



MACo LEGISLATIVE UPDATE

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The Montana Association of Counties (MACo) publishes this **weekly** bulletin containing summary descriptions of bills of interest to local government officials. **Each issue lists only the bills that have been introduced during the week. Please save this message or print it for future reference.**

Copies of bills are typically sent to County Clerks and Recorders and can also be found at: [http://laws.leg.mt.gov/laws09/LAW0200W\\$.Startup](http://laws.leg.mt.gov/laws09/LAW0200W$.Startup)

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Many legislators have their own email addresses, which can be found at
<http://leg.mt.gov/css/sessions/61st/roster.asp?HouseID=0&SessionID=94>

LOBBYING: Reporting Requirements for Counties

By Harold Blattie, Executive Director, Montana Association of Counties

With the 2008 Legislative Session fast approaching, counties are reminded that while elected officials are exempt from the normal reporting requirements of lobbyists, they still may need to register with the Commissioner of Political Practices as a "Principal" if the county pays for lobbying activities conducted on the county's behalf by hired or contract lobbyists or county employees.

Lobbying is controlled by [5-7-1, MCA](#), and [ARM, 44.12.102-211](#), and is defined as the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature; and the practice of promoting or opposing official action by any public official. This definition also provides that actions when performed by a legislator, a public official, an elected local official, an elected federal official, or an elected tribal official, while acting in an official governmental capacity, is not lobbying. Additionally, nothing in the laws or regulations for lobbying subjects an individual, lobbying on his own behalf (*not the county's behalf*), to any reporting requirements nor deprives an individual of the constitutional right to communicate with public officials.

The Montana Administrative Rules provide further guidance:

[44.12.107](#) LOCAL GOVERNMENT LOBBYING--DEFINITIONS AND REPORTING (1) A local government entity, which includes but is not limited to **a county**, a consolidated government, an incorporated city or town, a school district, or a special district, that engages in lobbying is a principal subject to the requirements of Title 5, chapter 7, MCA, and this chapter. A local government entity is exempt from reporting the following actions as lobbying activities:

(a) recommendations or reports to the legislature or a committee thereof, or a public official, in response to a request expressly requesting or directing a specific study, recommendation, or report by a state agency on a particular subject;

(b) any duty that is mandated by law, rule or executive order, such as the governor's annual message to the legislature;

(c) budget preparation activities related to preparation and submittal of the governor's executive budget as required by Article VI, section 9 of the Montana Constitution ([5-7-211](#), MCA);

(d) information or testimony provided in response to a request from the legislature, a legislative committee, or a public official if the information or testimony does not support or oppose the official action under consideration; and

(e) the actions of elected local officials while acting in their official capacity for a local government entity to promote or oppose the introduction or enactment of legislation before the legislature or the members of the legislature ([5-7-102](#)(11)(b), MCA).

Any lobbying activity, other than those specifically enumerated in 44.12.107(1)(a-e) is subject to reporting requirements. Subsection (e) exempts local elected officials from reporting and specifically allows for the promotion or opposition of legislation by local elected officials, while acting in their official capacity. County employees may provide informational testimony; not supporting or opposing legislation also is not subject to reporting requirements.

The line between providing informational testimony and advocating or opposing legislation is often a very thin, but nonetheless, a very important line. A county employee may attend a legislative committee hearing with well prepared and thought out testimony that is totally informational in nature, but is asked a question by a member of the committee. A response to that question could, and very often does, go into the arena of advocating support or opposition. This unto itself is not a problem and nothing prohibits such a response; however it could trigger reporting requirements.

At any time, when payments for lobbying activities exceeds \$2,300* (*reimbursement for personal living expenses do not have to be reported*), or your county enters into a written or oral agreement for lobbying services, the reporting requirements are triggered and are retrospective, meaning that all costs irrespective of when incurred, must be reported. To comply with the reporting requirements, your county must be registered, using an L-3 form, as a "Principal" and a representative must be named. This would normally be the individual who will be responsible for completing and submitting the necessary reports. Each individual who has engaged in lobbying activities must also be registered as a lobbyist, irrespective of the amount your county spent for that individual to lobby. The application for registration as a lobbyist is completed on an L-1 form. The financial reporting must be done on an L-5 form, and must be done at anytime expenditures exceed the \$2,300 threshold. A complete reporting calendar is incorporated in the L-5 report. All forms are available on the Commissioner of Political Practices Web site at <http://politicalpractices.mt.gov/4lobbying/forms.asp>

*Proposed increase to \$2,400
(<http://politicalpractices.mt.gov/content/4lobbying/LobbyingThresholdfor09sessionpdf>).

What does all of this mean?

- If you do not believe your county will expend more than \$2,300 on lobbying activities, you should still track ALL lobbying costs, in case you should exceed the threshold.
- If you think your county will probably exceed the threshold, you should register as a Principal, then closely track all expenditures and file the necessary reports, irrespective of the amount actually spent to-date.
- If you know your county will exceed the threshold because you plan to or have contracted with an individual of lobbying services, register as a Principal and make sure that person has filed an application to be a registered lobbyist and immediately begin tracking all expenditures. You should review the reporting calendar in the L-5 report and file all reports in a timely manner.
- **Montana Law does not prohibit lobbying; it imposes reporting requirements.**

MACo is registered as a "Principal;" MACo Executive Director Harold Blattie and Associate Director Sheryl Wood, as well as MACo Land Use Attorney Myra Shults are registered to lobby on behalf of MACo. If you have questions, please contact either MACo or the Commissioner of Political Practices. For more information, visit <http://politicalpractices.mt.gov/default.mcp.x>.

Scheduled Hearings

Look for a list of scheduled hearings for the first week of the legislative season in next week's *Legislative Update*.

MACO Resolutions/Legislation

Bill Type-Number	Short Title	Category
HB 16	Allow election administrators to determine use of automarks at certain elections	County Administration
HB 67	Rulemaking authority for Board of County Printing	County Administration
HB 88	Revise close of late voter registration	County Administration
HB 99	Revise proof of residency requirements for voter registration and voting	County Administration
HB 134	Create and fund local government committee	County Administration
SB 8	Authorize charter form of government for regional water entities	County Administration
SB 17	Require public water and sewer systems for certain subdivisions	County Administration
HB 31	Include dispatchers in sheriffs' retirement system	Courts, Justice, Public Safety
HB 36	Revise law on use of force and self-defense	Courts, Justice, Public Safety

HB 60	Jail mental health crisis network standards pilot program	Courts, Justice, Public Safety
HB 118	Revise distribution of 911 funds	Courts, Justice, Public Safety
SB 45	Clarify prosecutorial disclosure requirements	Courts, Justice, Public Safety
SB 50	Revise salaries for supreme court justices and district court judges	Courts, Justice, Public Safety
SB 92	Castle doctrine for use of force in defense	Courts, Justice, Public Safety
HB 65	Fund children management authorities for mental health	Health & Human Services
HB 66	Fund mental health needs of young children and certain high risk children	Health & Human Services
HB 70	Clarify application of exclusions from drug schedules	Health & Human Services
HB 71	Repeal sunset of hospital bed tax	Health & Human Services
HB 105	Reporting of emergency room and hospitalization discharge data	Health & Human Services
HB 106	Revise law on delayed or amended birth certificates	Health & Human Services
HB 111	Clarify roles of local advisory groups in mental health system	Health & Human Services
HB 114	Clarify licensure and liability in public health emergencies	Health & Human Services
HB 130	Grant program for local crisis services and jail diversion for mentally ill	Health & Human Services
HB 131	State contracting for mental health emergency detention beds	Health & Human Services
HB 132	Diversion from involuntary commitment to short-term inpatient treatment	Health & Human Services
HB 138	Revise employment safety and occupational health acts	Health & Human Services
HJ 3	Interim study of managed care mental health system	Health & Human Services
HJ 5	Support funding for health information technology	Health & Human Services
SB 35	Committing jurisdiction forward physical and mental health information to prison	Health & Human Services
SB 40	Clarify friend of respondent in involuntary commitment laws	Health & Human Services
SB 44	Establish health policy council in legislative branch	Health & Human Services
SB 51	Clarify responsibility of health care providers to patients	Health & Human Services

SB 52	Prohibit kickbacks and conflict of interest for health care providers	Health & Human Services
SB 53	Revise trial period for hearing aid purchased from traveling vendor	Health & Human Services
SB 77	Volunteer EMT on board of medical examiners	Health & Human Services
SB 79	Reduced staffing for certain ambulance transports	Health & Human Services
SB 82	Clarify Medicaid third party liability	Health & Human Services
SB 83	Confidentiality protection for review of emergency service calls	Health & Human Services
SB 96	Revise mental illness evaluations in criminal justice system	Health & Human Services
SB 110	Volunteer firefighter participation in county health insurance pool	Health & Human Services
SB 134	Require notice of compliance from associations offering health plans	Health & Human Services
SJ 5	Continued interim monitoring of health care pricing and information disclosure	Health & Human Services
HB 26	Revise stream access at bridges	Land Use, Economic Development
HB 27	Revise universal system benefit laws	Land Use, Economic Development
HB 77	Notification requirement for proposed gravel pit operations	Land Use, Economic Development
HB 79	Uniform provisions for state land transactions	Land Use, Economic Development
SB 3	Revise procedures for Land Banking program sales and exchanges	Land Use, Economic Development
SB 65	Revise trust land funding laws	Land Use, Economic Development
SB 109	Restriction on outdoor lighting	Land Use, Economic Development
SB 131	Require DNRC to designate wildland-urban interface	Land Use, Economic Development
HB 84	Extend duration of fire emergency	Land Use, Economic Development
HB 104	Revise source of funding for pay for state active duty for firefighting	Land Use, Economic Development
HB 129	Revise flood plain map adoption laws	Land Use, Economic Development
HJ 4	Urge authority for gubernatorial wildfire fuel hazard crisis	Land Use, Economic Development
SB 74	Revise fire chief duties	Land Use, Economic Development

SB 75	Include homeowner responsibility in state fire policy	Land Use, Economic Development
SB 34	Extend boundary of community decay ordinances for fuel treatment	Land Use, Economic Development
SB 55	Generally revise fertilizer laws	Land Use, Economic Development
HB 20	Create weatherization account using oil and gas production tax	Natural Resources, Environment
HB 22	Remove termination on coal tax for manufacturing, agriculture, and development	Natural Resources, Environment
HB 40	Revise water right permit process	Natural Resources, Environment
HB 41	Revise water quality laws for aquifer recharge or mitigation	Natural Resources, Environment
HB 42	Forest management program for FWP land	Natural Resources, Environment
HB 43	Appropriation for DNRC participation in federal forest management planning	Natural Resources, Environment
HB 44	Revise DNRC participation in federal forest management planning	Natural Resources, Environment
HB 48	Revise laws relating to Growth through Agriculture program	Natural Resources, Environment
HB 64	Repeal termination on coal trust funding for economic development programs	Natural Resources, Environment
HB 139	DNRC intervention authority in federal forest management projects	Natural Resources, Environment
HB 140	Increase excess sustained yield authority for forest health	Natural Resources, Environment
SB 4	Create standing water policy subcommittee of EQC	Natural Resources, Environment
SB 6	Revise public water supply fee law	Natural Resources, Environment
SB 11	Clarify nontaxable amount of gross value of product -metal mines tax	Natural Resources, Environment
SB 22	Create Water policy committee	Natural Resources, Environment
SB 23	Revise revenue streams to oil, gas, and coal natural resource account	Natural Resources, Environment
SB 33	Include certain biomass generation facilities in renewable power act	Natural Resources, Environment
SB 66	Sequestration standards for carbon dioxide	Natural Resources, Environment
SB 68	Roadkill composting	Natural Resources, Environment
SB 71	Revise orphan share and environmental quality protection fund laws	Natural Resources, Environment

SB 76	Revise enhanced recovery of oil and gas laws	Natural Resources, Environment
SB 93	Clarify groundwater utilization laws in closed basins	Natural Resources, Environment
SB 94	Revise closed water basin permitting laws	Natural Resources, Environment
SB 95	Temporary nutrient criteria for discharge permits	Natural Resources, Environment
SB 97	Revise petroleum tank release laws	Natural Resources, Environment
SB 98	Authorize local taxing jurisdiction for wildland fuel reduction projects	Natural Resources, Environment
SB 101	Certification for wastewater collection system operators	Natural Resources, Environment
SB 102	Revise public water supply laws	Natural Resources, Environment
SB 107	Require training on mechanized fuels reduction and fire suppression equipment	Natural Resources, Environment
SB 111	Clarifying DNRC initial wildland fire attack authority	Natural Resources, Environment
SB 112	Remove allocation requirements for DNRC fire assessments	Natural Resources, Environment
SB 113	State land fuel reduction pilot program	Natural Resources, Environment
SB 118	Create invasive and destructive species council	Natural Resources, Environment
SB 120	Revise the controlled groundwater area petition laws	Natural Resources, Environment
SB 129	Fire management easement program	Natural Resources, Environment
SJ 7	Opposition to HR 2421	Natural Resources, Environment
HB 17	Revise requirements for administrative rules	State Administration
HB 19	Revise and clarify state election laws	State Administration
HB 30	Youth election judges	State Administration
HB 32	Increase benefits and contributions to firefighters' unified retirement system	State Administration
HB 33	Redefine compensation for Firefighters Unified Retirement System	State Administration
HB 34	Revise retirement statutes to address return to work issues and funding concerns	State Administration
HB 35	Revolving loan program to fund recycling machinery and equipment	State Administration
HB 49	Restrict cell phone use and texting while driving	State Administration
HB 50	Require rules be consistent with legislative intent	State Administration

HB 51	Make state park fee opt in	State Administration
HB 54	Separate index for Montana Constitution	State Administration
HB 59	Generally revise retirement laws to comply with federal changes	State Administration
HB 61	Revise interlibrary program	State Administration
HB 76	Generally revise unemployment insurance laws	State Administration
HB 81	Study long-term impacts of budget and demographics driving costs	State Administration
HB 82	Revise deposit of stranded 911 revenue	State Administration
HB 83	Professional retirement option for K-12 workforce	State Administration
HB 85	EMS grant program	State Administration
HB 86	Fund health information technology and record sharing	State Administration
HB 87	Provide increase in employer contribution to optional retirement program	State Administration
HB 91	\$1 an hour raise for state employees	State Administration
HB 93	Clarify EMS medical direction and handling of complaints	State Administration
HB 95	Cost of care contributions under Youth Court Act	State Administration
HB 98	Revise energy performance contracting for state buildings	State Administration
HB 101	Extend deadlines related to wage withholding in cases of theft	State Administration
HB 109	Generally revise retirement statutes	State Administration
HB 117	Revise procedure for review of administrative rules	State Administration
HB 119	Revise employment laws, including workers compensation	State Administration
HB 122	Revise false claims act	State Administration
HB 124	Reopen GABA enrollment for firefighters	State Administration
HB 141	Accounting for certain post-retirement benefits	State Administration
HB 142	Eliminate automatic trigger that decreases employer contribution	State Administration
HB 144	Clarify return to employment for public officers	State Administration
HB 148	Clarify work comp going and coming to work status	State Administration
SB 7	Code commissioner bill	State Administration

SB 18	Revise fiscal note laws	State Administration
SB 20	Purpose statement for MAPA	State Administration
SB 24	Repeal Montana Consensus Council statutes	State Administration
SB 30	Revise reimbursement for meals, lodging	State Administration
SB 42	Provide substitution procedure for work comp judge	State Administration
SB 49	Energy efficiency standards for construction of state buildings	State Administration
SB 56	Extend open meeting rights to members of homeowner and landowner associations	State Administration
SB 60	Annual market conduct exams and 5-year financial exams for state fund	State Administration
SB 86	Revise gambling laws	State Administration
SB 89	Eliminate sunset for new worker training program	State Administration
SB 99	Allow leave for state employee volunteer firefighters for incident response	State Administration
SB 133	Revise insurance laws	State Administration
SJ 10	Study options for state work comp coverage	State Administration
HB 2	General appropriations act	Taxes, Fees, Revenue
HB 3	Supplemental appropriations	Taxes, Fees, Revenue
HB 4	Appropriations normally made by budget amendment	Taxes, Fees, Revenue
HB 5	Long-range building appropriations -- include energy conservation	Taxes, Fees, Revenue
HB 6	Renewable resource grants and loans	Taxes, Fees, Revenue
HB 7	Reclamation and development grants and loans	Taxes, Fees, Revenue
HB 8	Renewable resource bonds and loans	Taxes, Fees, Revenue
HB 9	Cultural and aesthetic grant appropriations	Taxes, Fees, Revenue
HB 10	Long range information technology funding bill	Taxes, Fees, Revenue
HB 11	Treasure state endowment appropriations	Taxes, Fees, Revenue
HB 12	Require employer contributions on working retirees under certain conditions	Taxes, Fees, Revenue
HB 107	Revise definition of enterprise funds	Taxes, Fees, Revenue
HB 113	Revise taxation of new or expanded business enterprise property	Taxes, Fees, Revenue

HB 115	Expand cell phone property tax incentives	Taxes, Fees, Revenue
HJ 2	Revenue estimating resolution	Taxes, Fees, Revenue
SB 9	Authorize funding of transportation systems with revenue bonds	Taxes, Fees, Revenue
SB 12	Clarify distribution of oil and gas revenue to counties	Taxes, Fees, Revenue
SB 21	Clarify distribution of certain motor vehicle revenue	Taxes, Fees, Revenue
SB 29	Generally revise appropriation and budget statutes	Taxes, Fees, Revenue
SB 48	Standardize statutes related to tax increment finance districts	Taxes, Fees, Revenue
SB 61	Public school consideration in impact fees	Taxes, Fees, Revenue
SB 63	Tax incentives for volunteer EMTs and their employers	Taxes, Fees, Revenue
SB 64	License plate for volunteer EMT and tax credit	Taxes, Fees, Revenue
SB 67	Require funding before school rules with fiscal impact implemented	Taxes, Fees, Revenue
SB 100	Increase coal board funding	Taxes, Fees, Revenue
SB 105	Tax incentives for volunteer firefighters and their employers	Taxes, Fees, Revenue
SB 106	License plates and tax credits for volunteer firefighters	Taxes, Fees, Revenue
SB 116	Clarify aviation fuel tax distribution	Taxes, Fees, Revenue
SB 117	Revise or eliminate certain statutory appropriations	Taxes, Fees, Revenue
SB 128	Revising laws related to state taxation	Taxes, Fees, Revenue
HB 29	Increase funding for senior and disabled transportation account	Transportation
HB 53	Revise laws regarding transportation of loose material	Transportation
HB 56	Increase pupil transportation reimbursements	Transportation
HB 92	Allow certain cities and counties to set speed limits	Transportation
HB 116	Clarify proof of insurance for motor vehicles	Transportation
SB 88	Revise and clarify school speed zone law	Transportation